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Reply
Brief

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

THIRU SRINIVASAN

Serial No.: 09/471,696

Filed: December 23, 1999

For: METHOD AND SYSTEM FOR AUCTIONING
A PRODUCT ON A COMPUTER NETWORK

Attorney Docket No.: 1649 (USW 0546 PUS)

Group Art Unit: 3627

Examiner: J. KRAMER

REPLY BRIEF UNDER 37 C.F.R. § 1.193

Box AF
Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

This Reply Brief is in reply to the Examiner's Answer mailed on January 7, 2003. The Examiner's Answer is in response to the Appeal Brief filed by the Applicant on November 5, 2002.

Applicant's Reply to (2) Examiner's Response to Related Appeals and Interferences

In the Examiner's Answer, the Examiner posited that the Appeal Brief "does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending

appeal." Item II of the Appeal Brief contains the following statement:

> There are no other appeals or interferences known
> to the Applicant, the Applicant's legal representative, or the
> Assignee which will directly affect or be directly affected
> by or have a bearing on the Board's decision in this appeal.

The Applicant will provide a more explicit statement as to the existence of any related appeals and interferences if the Board requires a more explicit statement.

Applicant's Reply to (11) Examiner's Response to Argument

The Applicant still respectfully traverses the Examiner's position that the combination of Bidder's Edge and McGovern teaches the limitation of "monitoring the scan site with the auction site to identify the desired product identifier placed on the scan site in order to enable the seller to determine the product desired by the buyer."

The Applicant agrees with the Examiner's position in the Examiner's Answer that **"Bidder's Edge does not teach a system where the auction websites can search the database located at Bidder's Edge"** (emphasis added) and that Bidder's Edge does not teach "two-way information flow". As noted by the Examiner in the Examiner's Answer, Bidder's Edge includes a website which contains the database and it is where buyers enter information about desired products. As such, the Applicant confirms that the Bidder's Edge website containing the database is similar to the claimed scan site and that an auction website of Bidder's Edge is similar to the claimed auction site.

As more fully described in the Appeal Brief, the claimed invention includes such "two-way information flow" by including the following limitations:

"monitoring the auction site with the scan site" in order to enable a buyer to determine whether a desired product is for sale on the auction site by the seller; and

"monitoring the scan site with the auction site" in order to enable the seller to determine whether a product is identified on the scan site as being desired by the buyer. (Emphasis added.)

The auction and scan sites may monitor each other using electronic data interchange (EDI) messaging. (See pg. 3, lines 13-14; pg. 5, lines 4-5; pg. 6, lines 4-28; and claims 7 and 19 of the present application).

In the Examiner's Answer, the Examiner posited that McGovern teaches a job search system with a two-way search feature and that it would have been obvious "to include the two-way search feature taught by McGovern [with the teachings of Bidder's Edge] in order to optimize the matching of buyers and sellers."

The Applicant agrees with the Examiner that McGovern's system allows 1) job seeking individuals (i.e., buyers) to search a first database of available jobs (i.e., products) inputted by companies (i.e., sellers) looking to fill employment vacancies in order for the individuals to find a desired job (i.e., desired product); and 2) allows companies (i.e., sellers) to search a second database of resumes (i.e., desired product identifiers) inputted by job seeking individuals (i.e., buyers) in order for the companies to find a potential employee. (The Applicant has added () around analogous claimed elements.)

However, the Applicant respectfully traverses McGovern's system as providing a "two-way search feature" as claimed because McGovern does not teach or suggest monitoring a database or a website with (or from) another website, i.e., does not teach or suggest "monitoring the scan site with the auction site."

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McGovern's system provides the first database of available jobs on a company website and/or an external website(s) (hereinafter "available jobs website") and that job seeking individuals can search for jobs on the available jobs website (col. 12, line 34 through col. 12, line 50) directly using a browser or automatically using a search agent (col. 12, line 34 through col. 13, line 50; col. 14, line 1 through col. 15, line 9; col. 15, line 59 through col. 16, line 14). If a job seeking individual locates a desired available job, then the job seeking individual provides "his or her resume to the company 41 via e-mail, facsimile or regular mail, as desired" (col. 16, lines 19-25).

McGovern's system stores the resumes provided by the job seeking individuals to a company in the second database located in the "company computer 42" (FIGS. 2 and 28; and col. 16, line 55 through col. 17, line 23). The company representative (such as a hiring contact) can search the resumes stored in the second database using a word search (col. 18, lines 39-51). Specifically, col. 18, lines 44-48 provide:

> The hiring contact can then enter the key word information in the location 252 provided on the screen display 250, and the company site program will control the computer 42 to search the resumes in the database to find any which contain that key word.

Accordingly, McGovern provides a list of available jobs on an available jobs website which is set up using the company computer. The available jobs website is analogous to the claimed auction site in that the available jobs website lists jobs available by companies the claimed auction site lists a product for sale by a seller. Job seekers directly or automatically monitor the available jobs website and then forward their resumes to the companies having desired available jobs. Companies then store the resumes in the second database located in their company computers. A company may use a key word search of the resumes stored in the second database in the company computer to find potential employees.

As such, McGovern teaches performing a key word search on a computer to search for resumes stored on a database in the computer with such computer being associated with an available jobs website or an auction site. McGovern does not teach a second website having a list of resumes (i.e. a scan site having a list of products desired by buyers). As noted above, Bidder's Edge does teach such a second website or scan site. Further, for argument's sake, it may be construed that the second database of McGovern is indeed a second website.

In any event, Bidder's Edge and McGovern, in any combination, do not teach or suggest "monitoring the scan site with the auction site". In contrast, McGovern teaches monitoring the second database (the second website / scan site for argument's sake) using a keyword search performed on a computer as opposed to using the available jobs website (i.e, the auction site) to do the monitoring. It is noted that in McGovern the same computer is used to set up the available jobs website, but once again the available jobs website (i.e., the auction site) is not doing the monitoring of the second database (i.e., the second website / scan site). Further, as noted above, Bidder's Edge does not teach the auction sites monitoring the database located at a buyer's website.

The difference between the claimed invention and the combination of Bidder's Edge and McGovern is a result of the claimed invention taking into consideration the demand side of the auction by enabling the seller to determine the demand for products desired by a buyer without the seller having to directly monitor the scan site. This feature is accomplished by the auction site (as opposed to the seller) monitoring the scan site to identify the desired product identifier placed on the scan site in order to enable the seller to determine the product desired by the buyer. As a result, the claimed invention solves the problem of sellers having to monitor various scan sites to determine when a product is desired to be purchased through an auctioning by a buyer. As such, the seller need only communicate with the auction site instead of directly with the scan site.

In the final Office Action mailed on September 6, 2002, the Examiner cited McGovern as teaching

> a job search system where companies (sellers) input jobs (products) that they have available. Job seekers (buyers) submit input on jobs (products) that they are interested in and if a match is found they are notified. Additionally, companies (sellers) can search, **from the web site** the database of jobs (products) desired by job seekers (buyers) to determine which jobs (products) are desired by the job seeker (buyers) (col. 18, lines 39-51). (Emphasis added.)
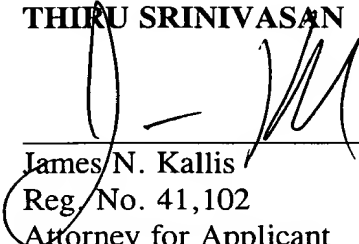
As argued above, McGovern's system does not provide for companies to search "from the website the database of jobs". Rather, McGovern's system allows company hiring contacts to do a key word search of resumes contained in the second database of the company computer with such computer having been used to set up an available jobs website.

Finally, the Examiner in the Examiner's Answer noted that the limitation "monitoring" is being interpreted as "checking by means of a receiver for significant content" and that this limitation in no way indicates an automatic process. The Applicant notes that the full limitation at issue is "monitoring the scan site with the auction site". As such, the claimed invention is patentable over any combination of Bidder's Edge and McGovern because the auction site monitors the scan site in order for a seller to determine products desired by the buyer as opposed to a company hiring contact performing on a

computer a keyword search on a database stored in the computer in order to determine such information (as taught by McGovern).

Respectfully submitted,

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